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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

CASE NO. 3:23-CV-05248-JD

**JOINT STIPULATION TO TRANSFER CASE
TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA, AND
[PROPOSED] ORDER**

Pursuant to Civil Local Rule 7-12, and subject to the Court’s approval, Plaintiff the American Civil Liberties Union Foundation (“Plaintiff”) and Defendant the United States Department of Justice (“Defendant”) (Plaintiff and Defendant collectively, the “Parties”) stipulate as follows:

WHEREAS, on February 1, 2024, the Court held an initial case management conference during which the Parties indicated they planned to discuss a venue issue.

WHEREAS, the Parties have discussed the venue issue, including by meeting and conferring on February 1, 2024, immediately following the initial case management conference.

WHEREAS, on March 1, 2024, the United States Department of Justice, Federal Bureau of Prisons, sent from Washington, D.C. to the American Civil Liberties Union Foundation, National Prison Project, in Washington, D.C., a letter advising the American Civil Liberties Union Foundation as ordered by the Court in the Minute Entry at Dkt. No. 22 (the “Letter”).

WHEREAS, the Letter advised Plaintiff that the Federal Bureau of Prisons (“BOP”), in response to Plaintiff’s Freedom of Information Act (“FOIA”) Request 2023-01964-LIT, had (1) completed a search and received 572 pages of responsive records for processing (the “572 Pages”); and (2) though not required by the FOIA, in the spirit of compromise, was also writing a program in response to a portion of that FOIA Request (the “Program Response”). Regarding the Program Response the Letter further stated that “BOP anticipate[d] receiving the records . . . result[ing] from the program . . . within 3 weeks [of the Letter], and [that] the BOP w[ould] process them and release them to [Plaintiff] on a rolling basis subject to applicable FOIA exemptions including those listed [in the Letter].”

WHEREAS, the Letter further advised Plaintiff that the Federal Bureau of Prisons, in response to Plaintiff’s FOIA Request 2023-02625-LIT, had completed its search and received 443 pages of responsive records for processing (the “443 Pages”).

THEREFORE, to resolve the venue issue the Parties stipulate as follows:¹

1. Venue in this action is governed by 5 U.S.C. § 552(a)(4)(B) such that the United States District Court for the District of Columbia is the proper venue for this action. *See* 5 U.S.C. § 552(a)(4)(B) (“On complaint . . . the District of Columbia[] has jurisdiction.”). Accordingly, the Parties stipulate that the

¹ The Parties incorporate here by reference all defined terms appearing in parentheses as used in all of the preceding retail paragraphs beginning with “WHEREAS.”

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2 **IT IS SO STIPULATED.**

3 ISMAIL J. RAMSEY
4 United States Attorney

5 DATED: March 18, 2024

6 /s/ J. Wesley Samples
7 J. WESLEY SAMPLES
8 Assistant United States Attorney
9 Attorney for Defendant

10 DATED: March 18, 2024

11 /s/ Maria V. Morris *
12 MARIA V. MORRIS,
13 American Civil Liberties Union Foundation
14 National Prison Project
15 Attorney for Plaintiff

16 ** In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of*
17 *perjury that all signatories have concurred in the filing of this document.*
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

CASE NO. 3:23-CV-05248-JD

**[PROPOSED] ORDER GRANTING JOINT
STIPULATION TO TRANSFER CASE TO THE
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

PURSUANT TO STIPULATION, IT IS SO ORDERED. This matter is transferred to the United States District Court for the District of Columbia. The schedule and all other deadlines for the above captioned matter pending in the Northern District of California are vacated.

Dated: _____

HONORABLE JAMES DONATO
United States District Judge